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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Addendum

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45

Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime

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Introduction

1. At the invitation of the Governments of the Republic of Korea and Japan, the Special Rapporteur on violence against women visited Seoul from 18 to 22 July 1995 and Tokyo from 22 to 27 July 1995 to study in depth the issue of military sexual slavery in wartime, within the wider framework of violence against women, its causes and consequences. On the proposal and at the invitation of the Government of the Democratic People's Republic of Korea, the Special Rapporteur was also scheduled to visit Pyongyang from 15 to 18 July 1995, on the same matter. However, as the Special Rapporteur communicated to the Government in a letter dated 25 July 1995, the Special Rapporteur conveyed her sincere apologies and deepest regrets for her inability to visit the Democratic People's Republic of Korea due to a delay in the flight connection.

2. By way of the same letter, the Special Rapporteur further assured His Excellency Mr. Kim Yong Nam, Minister for Foreign Affairs of the Democratic People's Republic of Korea, that she had full confidence in the representatives of the Centre for Human Rights, who visited Pyongyang as scheduled from 15 to 18 July 1995 and transmitted to her in detail all information, materials and documentation received on behalf of the Special Rapporteur. The Special Rapporteur also indicated her willingness to visit the Democratic People's Republic of Korea at a mutually convenient time in the future. In this regard, the Special Rapporteur greatly appreciates the flexibility and cooperation of the Government of the Democratic People's Republic of Korea which informed the Special Rapporteur in a letter dated 16 August 1995 that the Government would be grateful if the Special Rapporteur were to study carefully and take into account in the preparation of her report the information, materials and documentation provided to the representatives of the Centre for Human Rights during their visit to the Democratic People's Republic of Korea.

3. The Special Rapporteur wishes also to express her appreciation for the cooperation and assistance extended by the Governments of the Republic of Korea and Japan, enabling the Special Rapporteur to enter into dialogue with relevant sectors of society and to obtain all information and documentation needed to report to the Commission on Human Rights in an objective and impartial manner.

4. The visits, and the high quality of discussions during both consultations with representatives of governmental and non-governmental organizations, as well as interviews with women victims of military sexual slavery during wartime, allowed the Special Rapporteur to gain insight into the demands of the victims and the positions of the Governments concerned. It also enabled the Special Rapporteur to better understand which issues still remain unresolved and which measures are being taken at present in relation to the matter at hand.

5. The Special Rapporteur wishes to underline that the discussion of the subject-matter of the present report should be applied to all cases of former "comfort women" victims, and not only to those on the Korean peninsula. The Special Rapporteur regrets that due to financial and time constraints it has not been possible for her to visit surviving women in all countries concerned.

I. DEFINITION

6. The Special Rapporteur would like to clarify at the outset of this report that she considers the case of women forced to render sexual services in wartime by and/or for the use of armed forces a practice of military sexual slavery.

7. In this connection, the Special Rapporteur is aware of the position of the Government of Japan conveyed to her during her visit to Tokyo, which states that the application of the term "slavery" defined as "the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised" in accordance with article 1 (1) of the 1926 Slavery Convention, is inaccurate in the case of "comfort women" under existing provisions of international law.

8. The Special Rapporteur, however, holds the opinion that the practice of "comfort women" should be considered a clear case of sexual slavery and a slavery-like practice in accordance with the approach adopted by relevant international human rights bodies and mechanisms. In this connection, the Special Rapporteur wishes to underline that the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 1993/24 of 15 August 1993, noting information transmitted to it by the Working Group on Contemporary Forms of Slavery concerning the sexual exploitation of women and other forms of forced labour during wartime, entrusted one of its experts to undertake an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime. The Sub-Commission further requested the expert in the preparation of this study to take into account information, including on "comfort women", which had been submitted to the Special Rapporteur on the right to restitution, compensation and rehabilitation of victims of gross violations of human rights.

9. Furthermore, the Special Rapporteur notes that the Working Group on Contemporary Forms of Slavery, at its twentieth session, welcomed information received from the Government of Japan on the issue of "women sex slaves during the Second World War" and recommended that such practices as "treatment akin to slavery" be settled through the establishment of a Japanese administrative tribunal.

10. Finally, for the purpose of terminology, the Special Rapporteur concurs entirely with the view held by members of the Working Group on Contemporary Forms of Slavery, as well as by representatives of non-governmental organizations and some academics, that the phrase "comfort women" does not in the least reflect the suffering, such as multiple rapes on an everyday basis and severe physical abuse, that women victims had to endure during their forced prostitution and sexual subjugation and abuse in wartime. The Special Rapporteur, therefore, considers with conviction that the phrase "military sexual slaves" represents a much more accurate and appropriate terminology.

II. HISTORICAL BACKGROUND

A. General

11. The establishment of "comfort stations" providing on-site prostitutes for the Japanese army started as early as 1932, following hostilities between Japan and China in Shanghai. This was nearly a decade before the use of so-called "comfort women" became a widespread and regular phenomenon, as it had undoubtedly become in all parts of Japanese-controlled East Asia by the end of the Second World War. The first military sexual slaves were Koreans from the North Kyushu area of Japan, and were sent, at the request of one of the commanding officers of the army, by the Governor of Nagasaki Prefecture. The rationale behind the establishment of a formal system of comfort stations was that such an institutionalized and, therefore, controlled prostitution service would reduce the number of rape reports in areas where the army was based.

12. When, in 1937, the Japanese Imperial Army captured Nanking, with resulting violence, the Japanese authorities were forced to consider the state of military discipline and morale. The comfort station plan as originally introduced in 1932 was revived. The Shanghai Special Branch used its contacts in the trading community to obtain as many women as possible for military sexual services by the end of 1937.

13. These women and girls were employed in a comfort station situated between Shanghai and Nanking, operated directly by the army. This station became the prototype for later stations and photographs of the station, as well as regulations for the users, are preserved. This station's direct operation by the army did not continue as the norm for comfort stations in the more settled environment which followed when the phenomenon became more widespread. There were enough private civilians willing to run the stations and to see to their internal operation; they were given paramilitary status and rank by the army. The army remained responsible for transportation and the general overseeing of the stations, and matters such as health and general supervision remained the responsibility of the military.

14. As the war continued and the number of Japanese soldiers based in various parts of East Asia increased, the demand for military sexual slaves increased, so that new methods of recruitment were created. This involved the increased use of deception and force in many parts of East Asia, and especially in Korea. The testimonies of many Korean "comfort women" who have come forward reveals the frequency with which coercion or duplicity was employed: a considerable number of (mostly Korean) women victims speak in their testimonies of the deceit and pretence which were employed by the various agents or local collaborators who had been responsible for their recruitment. 1/

15. With the strengthening of the National General Mobilization Law by the Japanese Government, which had been passed in 1932 but which had not been fully implemented until the last few years of the war, both men and women were called upon to contribute to the war effort. In this connection, the Women's Voluntary Service Corps was established, ostensibly to procure women for work in factories or to perform other war-related duties to assist the

Japanese army. Under this pretext, however, many women were deceived into serving as military sexual slaves and the association of the Service Corps with prostitution soon became well known.

16. Ultimately, the Japanese were able to procure more women for the increasing demands of the army by using violence and outright coercion. A large number of the women victims speak of violence used on family members who tried to prevent the abduction of their daughters and, in some cases, of being raped by soldiers in front of their parents before being forcibly taken off. One case study refers to Yo Bok Sil who, like many girls, was seized from her home and whose removal involved the beating of her father because he attempted to resist her abduction. 2/

17. The geographical location of comfort stations appears to have followed the course of the war; stations seem to have been found wherever the Japanese army was based. Meanwhile, the exploitation of "comfort women" went on even in Japan where, despite the presence of licensed prostitution, some stations were established for those who had no access to the existing facilities.

18. Comfort stations are known, through a number of sources, to have existed in China, Taiwan, Borneo, the Philippines, many of the Pacific Islands, Singapore, Malaya, Burma and Indonesia. The testimony is recorded of a variety of people who either remember the stations from the time of their operation or who had relatives or acquaintances who were involved in the running of the system in some way. 3/

19. Photographs of the stations, and even of the "comfort women" themselves in various contexts, have been preserved, along with a number of different records of the regulations of comfort stations in different parts of the Japanese Empire. Though little documentation remains that bears witness to the recruitment methods, the actual operation of the system is widely attested in records which survive from the period. The Japanese military meticulously recorded the details of a prostitution system that appeared as to be regarded as merely another amenity. The rules for comfort stations in Shanghai, Okinawa, other parts of Japan and China and the Philippines still survive, detailing, inter alia, rules for hygiene, hours of service, contraception, payment of women and prohibitions of alcohol and weapons.

20. These regulations are some of the most incriminating of the documents to have survived the war. Not only do they reveal beyond doubt the extent to which the Japanese forces took direct responsibility for the comfort stations and were intimately connected with all aspects of their organization, but they also clearly indicate how legitimized and established an institution the stations had become. Much attention seems to have been paid to see that the "comfort women" were treated correctly. The prohibition of alcohol and swords, the regulation of hours of service, reasonable payment and other attempts to impose what would appear to be a sense of decorum or fair treatment are in stark contrast with the brutality and cruelty of the practice. This only serves to highlight the extraordinary inhumanity of a system of military sexual slavery, in which large numbers of women were forced to submit to prolonged prostitution under conditions which were frequently indescribably traumatic.

21. The end of the war brought no relief to a large proportion of the "comfort women" still in service, since many were killed by the retreating Japanese troops or, more often, simply abandoned to their fate. In Micronesia, in one case the Japanese army killed 70 "comfort women" in one night, because they felt the women would be an encumbrance or an embarrassment were they to be captured by the advancing American troops. 4/

22. Many women victims who were based at front-line locations were forced to take part in military operations, including suicide missions with the soldiers. Most frequently, however, they were left to fend for themselves, in many cases many miles from their homes, uncertain of how they would fare at the hands of the "enemy". Many did not even know where they were and had little or no money, since very few of the women, according to their testimonies, ever received any of the money they had "earned". Among the women who were evacuated, as occurred in Manila, there were many deaths from the gruelling conditions and shortage of food.

B. Recruitment

23. The most problematic aspect of attempting to write an account of the recruitment of military sexual slaves during the period leading up to the Second World War and during the war itself is the lack of remaining or disclosed official documentation concerning the actual recruitment process. Nearly all evidence concerning the recruitment of "comfort women" comes from the oral testimony of the victims themselves. This has made it easy for many to reject the testimonies of the victims as anecdotal or even created to implicate the Government in a matter which was essentially a private and, therefore, a privately run, system of prostitution. Yet the consistency of the accounts of women from quite different parts of South-East Asia of the manner in which they were recruited and the clear involvement of the military and Government at different levels is indisputable. It is wholly implausible that so many women could have created such similar stories about the extent of official involvement solely for their own purposes.

24. The first comfort stations under direct Japanese control were those in Shanghai in 1932, and there is first-hand evidence of official involvement in their establishment. One of the commanders of the Shanghai campaign, Lieutenant-General Okamura Yasuji, confessed in his memoirs to have been the original proponent of comfort stations for the military. 5/ There had been a very high incidence of rape by Japanese troops and, in response, a number of Korean women from a Korean community in Japan were sent to the province by the Governor of Nagasaki Prefecture. The fact that they were sent from Japan implicates not only the military but also the Home Ministry, which controlled the governors and the police who were later to play a significant role in collaborating with the army in forcibly recruiting women.

25. Following the rape of Nanking in 1937, it became apparent to the Japanese that discipline had to be improved and the "comfort women establishment" was revived. Agents were sent to the same area in North Kyushu, and when there was inadequate response from volunteers from brothels they resorted to deceiving local girls with offers of well-paid jobs, ostensibly as cooks and

laundresses for the army. Instead, they worked as military sexual slaves in a comfort station situated between Shanghai and Nanking, a centre which became the prototype for future stations. 6/

26. Later in the war, the military relinquished, for the most part, its involvement in the running and operation of comfort stations to private operators who were either approached by army agents or who applied for permits on their own initiative. It was considered inappropriate for the army to be running prostitution services and the facilities of the private operators were considered to be more "suitable" for the troops. The recruitment process, however, increasingly became the responsibility of officials, although the extent to which private individuals were involved and who exactly was responsible for initiating the establishment of comfort stations varied from area to area. However, since the Japanese authorities were until recently unwilling to recognize their role in forced recruitment and duplicity, or indeed their responsibility in the recruitment process at all, information about the process of acquisition of women to serve as military sexual slaves comes largely from the accounts of the victims themselves.

27. As already mentioned, this information is, however, abundant in the stories of former "comfort women" and presents a reasonably clear picture. Three types of recruitment are identified: the recruitment of willing women and girls who were already prostitutes; the luring of women with the offer of well-paid work in restaurants or as cooks or cleaners for the army; and, finally, large-scale coercion and violent abduction of women in what amounts to slave raids in countries under Japanese control. 7/

28. In the quest for more women, private operators working for the military, as well as members of the Korean police force who worked in collaboration with the Japanese, would come to the villages and deceive girls with the promise of well-paid work. Alternatively, in the years preceding 1942, Korean police would arrive in a village recruiting for the "Women's Voluntary Service Corps". This made the process official, sanctioned by the Japanese authorities, and it also implied a certain level of compulsion. If the girls recommended as "volunteers" failed to turn up, the kempeitai or military police would investigate their reasons for doing so. In fact, the "Women's Voluntary Service Corps" gave the Japanese military the opportunity to make use of local Korean operators and police to put pressure on local girls to "join the war effort" under false pretexts, as described above. 8/

29. In cases where even more women were needed, the Japanese military resorted to violence, undisguised force and raids which involved the slaughter of family members who tried to prevent the abduction of their daughters. These methods were facilitated by the strengthening of the National General Mobilization Law, which had been passed in 1938 but was only used for the forcible recruitment of Koreans from 1942 onwards. 9/ The testimonies of many former military sexual slaves bear witness to the widespread use of violence and coercion in the recruitment process. Moreover, the wartime experiences of one raider, Yoshida Seiji, are recorded in his book, in which he confesses to having been part of slave raids in which, among other Koreans, as many as 1,000 women were obtained for "comfort women" duties under the National Labour Service Association as part of the National General Mobilization Law. 10/

30. Written sources also state that the daughters of officials and the landlord population were spared from recruitment, as their families were useful in keeping general control over the local people. The girls seized from villages appear to have been very young, the majority between the ages of 14 and 18, and the school system was exploited for the acquisition of girls. Professor Yun Chung Ok, who is now working to raise awareness on the issue of military sexual slavery, was lucky enough to have escaped recruitment from her school through the forethought of her parents. She, however, bears witness to the fact that such a method was used to recruit school-age virgin girls without sexually transmitted diseases. 11/

31. As a result of their young age and innocence, many girls did not even question the good employment opportunities offered to them, they were unable to resist forcible removal and, in most cases, were complete strangers to any understanding of prostitution or the sexual act. Their vulnerability and powerlessness was aggravated by the fact that their schoolteachers, local police and village authorities, whom they trusted, were often involved in the recruitment process. Moreover, the stigma attached to prostitution inhibited women returning from such service before the end of the war from speaking of their experiences and thereby warning other girls of the danger; most of the women victims were concerned principally with hiding their horrendous experiences and reintegrating into society.

C. Conditions in the comfort stations

32. According to the testimony of former "comfort women", the conditions under which they were expected to serve the soldiers of the Japanese army were almost invariably appalling. The quality of their accommodation and general treatment varied from place to place but almost all women victims testify to the harshness and cruelty of their circumstances. The stations themselves, depending on their location, were either buildings appropriated by the Japanese military in the course of the advance or makeshift constructions put together by the army specifically for the purpose of housing "comfort women". In front-line positions, the stations were often tents or temporary wooden shacks.

33. The sites were usually surrounded by a barbed wire fence, well guarded and patrolled. The movements of the "comfort women" were closely monitored and restricted. Many women speak of never having been allowed to leave the camp. Some were allowed to walk outside at set times each morning; others recall being allowed to make the occasional trip to have their hair cut or even to see a film. However, any meaningful freedom of movement was evidently restricted and escape was almost invariably impossible.

34. The station itself was usually a one- or two-storey building, with a dining or reception area downstairs. The women's rooms were usually located at the back or upstairs, and tended to consist of cramped, narrow cubicles, often as little as 3 feet by 5, with room for only a bed. In such conditions "comfort women" were expected to serve as many as 60 to 70 men per day. In some front-line locations, the women were forced to sleep on mattresses on the floor and were exposed to terrible conditions of cold and damp. The rooms were separated in many cases only by a tatami or rush mat which did not reach the floor, and so sound travelled easily from room to room.

35. A typical comfort station was supervised by a private operator and the women often taken care of by a Japanese or, in some cases, a Korean woman. Their health checks were carried out by an army doctor but, as many of the comfort women recall, these regular checks were carried out to prevent the spread of venereal diseases; little notice was taken of the frequent cigarette burns, bruises, bayonet stabs and even broken bones inflicted on the women by soldiers. The women, moreover, had very little time off and the free time dictated in many of the existing regulations was often ignored by officers who wished to stay longer or visit at different times. On many days, the women barely had time to wash themselves before the next customer arrived.

36. Food and clothing were provided by the army, though some former "comfort women" complain of having been kept short of food for long stretches of time. Though in nearly all cases the women were supposed to have been paid for their "services" and collected tickets in lieu of the pay they were due, only very few saw any "earnings" at the end of the war. Thus, even the small consolation of having perhaps saved enough to help themselves or their families after the war was rendered meaningless after the retreat of the Japanese army.

37. In the testimonies of many former military sexual slaves, in addition to the deep-rooted and long-lasting trauma of their sexual abuse, the harshness and brutality of their conditions of servitude are apparent. They had no personal freedom, were treated with violence and savagery by the soldiers and with indifference by the station operators and army doctors. Due to their frequent proximity to the front-line, they were exposed to attack, to bombings and to the threat of death, conditions which made the soldiers who frequented comfort stations even more demanding and aggressive.

38. In addition, there existed the constant fear of disease and pregnancy. Indeed, a majority of "comfort women" seem to have at some point contracted a venereal disease. During this period they were given some time off to recuperate but at all other times, even during menstruation, they were required to continue "working". One woman victim told the Special Rapporteur that, due to the numerous venereal diseases she had been exposed to when serving as a military sexual slave, her son had been born mentally handicapped after the war. These conditions, along with the deeply entrenched sense of shame felt by all women victims, often resulted in suicide or in escape attempts, the failure of which meant certain death.

39. To complement written historical sources, the Special Rapporteur, during her visit to Seoul and Tokyo, met with historians to solicit information on the circumstances in which comfort stations were established and women recruited for the purpose of military sexual slavery.

40. The Special Rapporteur noted that historian Dr. Ikuhiko Hata of Chiba University, Tokyo, refuted certain historical studies made on the issue of "comfort women", in particular Yoshida Seiji's book, which describes the plight of "comfort women" on Cheju-do island. Dr. Hata explained that he had visited Cheju-do, Republic of Korea, in 1991/92 seeking evidence and had come to the conclusion that the major perpetrators of the "comfort women crime" were in fact Korean district chiefs, brothel owners and even parents of the girls themselves who, he alleged, were aware of the purpose of the recruitment

of their daughters. To substantiate his arguments, Dr. Hata presented the Special Rapporteur with two prototype systems of recruitment of Korean women for comfort houses in the years 1937 to 1945. Both models provide that Korean parents, Korean village chiefs and Korean brokers, that is to say private individuals, were knowing collaborators and instrumental in the recruitment of women to serve as sex slaves for the Japanese military. Dr. Hata also believed that most "comfort women" were under contract with the Japanese army and received up to 110 times more income per month (1,000-2,000 yen) than the average soldier (15-20 yen).

41. The Special Rapporteur also met with historian Professor Yoshiaki Yoshimi, Chuo University, Tokyo, who provided the Special Rapporteur with copies of documents of the Japanese Imperial Army which substantiated that orders and regulations for the recruitment of Korean "comfort women" had been carried out by or with the knowledge of Japanese military authorities. Professor Yoshimi also presented the Special Rapporteur with a detailed analysis of the original documents, arguing that it was common for rearguard staff or adjutants of a division or regiment to receive instructions from the expeditionary army, through the military police, to order village chiefs or local influential persons in the occupied lands to recruit local women to serve as military sexual slaves.

42. To illustrate the definite involvement and responsibility of the Japanese Imperial Army in the establishment of comfort stations, Professor Yoshimi referred to various documents. The Special Rapporteur would like to refer, as an example, to the Ten Day Report of the 21st Army Unit of the Japanese Army stationed at Kwandong, China, from 11 to 21 April 1939, which states that military brothels were operated for officers and soldiers under the control of the military and that approximately 1,000 "comfort women" served 100,000 soldiers in that region. From other similar documents transmitted to the Special Rapporteur, it is evident that a strict system of control over the "comfort women" stations was maintained on the basis of instructions from the Ministry of the Army. These orders concerned matters such as health regulations with the aim of avoiding the spread of venereal diseases.

43. The Special Rapporteur was also informed that another common method of recruitment of sex slaves seemed to have been traders who were sent to Korea by each expeditionary army to collect Korean women as military sexual slaves in cooperation with or with the support of the military police and the police. It is alleged that these traders were usually appointed by army headquarters, but possibly also by the division, brigade or regiment directly. Professor Yoshimi further maintained that documenting the details of recruitment was very difficult as not all official documents had been disclosed by the Government of Japan and might still exist in official archives of the Defence Agency and the Ministries of Justice, Labour, Social Welfare and Finance.

44. In view of the above, the Special Rapporteur felt that a fact-finding mission in 1995, on the fiftieth anniversary of the end of the Second World War, would take on particular significance and would help to settle the outstanding issues in connection with military sexual slavery during the war and help bring to an end the suffering of the few surviving women victims of violence.

III. WORKING METHODS AND ACTIVITIES OF THE SPECIAL RAPPORTEUR

45. The Special Rapporteur had received ample information and documentation on the issue of military sexual slavery in the Asian region during the Second World War from governmental and non-governmental sources, including written testimonies of women victims, which were studied carefully before undertaking the fact-finding mission. The main purpose of a mission to the field was to enable the Special Rapporteur to verify the information already available to her, to interview all parties concerned and, on the basis of such complete information, to attempt to put forward conclusions and recommendations for the improvement of the current situation of violence against women, its causes and consequences, at the national, regional and international levels. Such recommendations might be specific to a situation encountered in the country visited or they might be of a more general nature, aimed at overcoming violence against women on a global level.

46. During the mission, the Special Rapporteur attempted in particular to clarify the demands of the former "comfort women" and to understand what remedies the present Government of Japan is proposing for the resolution of this matter.

47. Pyongyang (15-18 July 1995). During their visit, the representatives of the Centre for Human Rights were received by His Excellency Mr. Kim Yong Nam, Minister for Foreign Affairs. The representatives were provided with information and documentation for the use of the Special Rapporteur by members of the Supreme People's Assembly, senior officials of the Ministry for Foreign Affairs, representatives of non-governmental organizations, academics and the media. The team also heard testimonies by four former military sexual slaves.

48. Seoul (18-22 July 1995). During her visit to the Republic of Korea, the Special Rapporteur was received by His Excellency Mr. Ro Myung Gong, Minister for Foreign Affairs. The Special Rapporteur also met with high-level officials of the Ministry of Foreign Affairs, the Ministry of Political Affairs II, the Ministry of Justice and the Ministry of Health and Welfare, with academics, as well as with representatives of the National Assembly and various non-governmental organizations. The Special Rapporteur also met with 13 former "comfort women" and heard testimonies of nine of these women victims of violence.

49. Tokyo (22-27 July 1995). During her visit to Japan, the Special Rapporteur met with Mr. Kozo Igarashi, Chief Cabinet Secretary in the Office of the Prime Minister, as well as with high-level officials of the Cabinet Councillor's Office, the Ministry for Foreign Affairs, the Ministry of Justice and the Japanese National Assembly, the Diet. In addition, the Special Rapporteur met with representatives of non-governmental organizations and women's groups. The Special Rapporteur also heard the testimony of one former Korean "comfort woman", residing in Japan, as well as of one former soldier of the Japanese Imperial Army.

50. A list of the principal persons the Special Rapporteur met with during her mission is annexed to the present report.

51. This report aims to reflect accurately and objectively the opinions of all parties concerned with this matter, namely the Governments of the Democratic Republic of Korea, the Republic of Korea and Japan, with a view to facilitating a future course of action towards the resolution of the matter. More importantly, however, this report is intended to make the voices heard of those women victims of violence whom the Special Rapporteur was able to meet, and who spoke on behalf of all other former "comfort women" in the Philippines, Indonesia, China, Taiwan (province of China), Malaysia and the Netherlands. These testimonies are the voices of the surviving women victims who now demand the restoration of their dignity and the acknowledgement of the atrocious acts committed on their persons 50 years ago.

IV. TESTIMONIES

52. At the outset, the Special Rapporteur wishes to extend her sincere gratitude to all women victims who had the courage to speak to her and give their testimonies, although this meant, without doubt, the reliving of the most humiliating and painful moments in their lives. The Special Rapporteur was deeply touched at meeting these women who told of their experiences under great emotional strain.

53. Due to the limited length of this report, the Special Rapporteur is only able to summarize a few of the 16 testimonies she heard in all three countries. However, the Special Rapporteur stresses the importance of having been able to hear all the statements as they enabled her to construct an image of the situation prevailing at the time. The following testimonies have been selected to illustrate the various aspects of the phenomenon of military sexual slavery, leading the Special Rapporteur to believe that such military sexual slavery was conducted in a systematic and coercive manner by and with the knowledge of leaders of the Japanese Imperial Army.

54. The testimony of Chong Ok Sun, who is now 74 years old, reflects in particular the brutal and harsh treatment that these women had to endure in addition to sexual assault and daily rape by soldiers of the Japanese Imperial Army:

> "I was born on 28 December 1920, in Phabal-Ri, Pungsan County, South Hamgyong Province, in the north of the Korean peninsula.
>
> One day in June, at the age of 13, I had to prepare lunch for my parents who were working in the field and so I went to the village well to fetch water. A Japanese garrison soldier surprised me there and took me away, so that my parents never knew what had happened to their daughter. I was taken to the police station in a truck, where I was raped by several policemen. When I shouted, they put socks in my mouth and continued to rape me. The head of the police station hit me in my left eye because I was crying. That day I lost my eyesight in the left eye.
>
> After 10 days or so, I was taken to the Japanese army garrison barracks in Heysan City. There were around 400 other Korean young girls with me and we had to serve over 5,000 Japanese soldiers as sex slaves every day - up to 40 men per day. Each time I protested, they hit me or

stuffed rags in my mouth. One held a matchstick to my private parts until I obeyed him. My private parts were oozing with blood.

One Korean girl who was with us once demanded why we had to serve so many, up to 40, men per day. To punish her for her questioning, the Japanese company commander Yamamoto ordered her to be beaten with a sword. While we were watching, they took off her clothes, tied her legs and hands and rolled her over a board with nails until the nails were covered with blood and pieces of her flesh. In the end, they cut off her head. Another Japanese, Yamamoto, told us that 'it's easy to kill you all, easier than killing dogs'. He also said 'since those Korean girls are crying because they have not eaten, boil the human flesh and make them eat it'.

One Korean girl caught a venereal disease from being raped so often and, as a result, over 50 Japanese soldiers were infected. In order to stop the disease from spreading and to 'sterilize' the Korean girl, they stuck a hot iron bar in her private parts.

Once they took 40 of us on a truck far away to a pool filled with water and snakes. The soldiers beat several of the girls, shoved them into the water, heaped earth into the pool and buried them alive.

I think over half of the girls who were at the garrison barracks were killed. Twice I tried to run away, but both times we were caught after a few days. We were tortured even more and I was hit on my head so many times that all the scars still remain. They also tattooed me on the inside of my lips, my chest, my stomach and my body. I fainted. When I woke up, I was on a mountainside, presumably left for dead. Of the two girls with me, only Kuk Hae and I survived. A 50-year-old man who lived in the mountains found us, gave us clothes and something to eat. He also helped us to travel back to Korea, where I returned, scarred, barren and with difficulties in speaking, at the age of 18, after five years of serving as a sex slave for the Japanese."

55. Seventy-seven-year-old Hwang So Gyun's testimony bears witness to the deceptive way of recruitment, which lured so many young women into being military sexual slaves:

"I was born on 28 November 1918 as the second daughter of a day labourer. We lived in the Taeri Workers' District, Kangdong County, Pyongyang City.

When I was 17 years old, in 1936, the head of our village came to our house and promised me to help me find a job in a factory. Because my family was so poor, I gladly accepted this offer of a well-paid job. I was taken to the railway station in a Japanese truck where 20 or so other Korean girls were already waiting. We were put on the train, then onto a truck and after a few days' travel we reached a big house at the River Mudinjian in China. I thought it was the factory, but I realized that there was no factory. Each girl was assigned one small room with a straw bag to sleep on, with a number on each door.

After two days of waiting, without knowing what was happening to me, a Japanese soldier in army uniform, wearing a sword, came to my room. He asked me 'will you obey my words or not?', then pulled my hair, put me on the floor and asked me to open my legs. He raped me. When he left, I saw there were 20 or 30 more men waiting outside. They all raped me that day. From then on, every night I was assaulted by 15 to 20 men.

We had to undergo medical examinations regularly. Those who were found disease-stricken were killed and buried in unknown places. One day, a new girl was put in the compartment next to me. She tried to resist the men and bit one of them in his arm. She was then taken to the courtyard and in front of all of us, her head was cut off with a sword and her body was cut into small pieces."

56. The testimony by Kum Ju Hwang, now 73 years old, of Dungchongdong, Youngdungpoku, Republic of Korea, illustrates the regulations under which comfort stations were operated by the army.

"I thought I was drafted as a labour worker when, at the age of 17, the Japanese village leader's wife ordered all unmarried Korean girls to go to work at a Japanese military factory. I worked there for three years, until the day that I was asked to follow a Japanese soldier into his tent. He told me to take my clothes off. I resisted because I was so scared, I was still a virgin. But he just ripped my skirt and cut my underwear from my body with a gun which had a knife attached to it. At that point I fainted. And when I woke up again, I was covered with a blanket but there was blood everywhere.

From then on, I realized that during the first year I, like all the other Korean girls with me, was ordered to service high-ranking officials, and as time passed, and as we were more and more 'used', we served lower-ranking officers. If a woman got a disease, she usually vanished. We were also given '606-shots' so that we would not get pregnant or that any pregnancies would result in miscarriage.

We only received clothes two times per year and not enough food, only rice cakes and water. I was never paid for my 'services'. I worked for five years as a 'comfort woman', but all my life I suffered from it. My intestines are mostly removed because they were infected so many times, I have not been able to have intercourse because of the painful and shameful experiences. I cannot drink milk or fruit juices without feeling sick because it reminds me too much of those dirty things they made me do."

57. Another survivor, Hwang So Gyun, was able to escape from the "comfort house" in 1943, after she had spent seven years serving Japanese soldiers as a sex slave. Later, at the age of 39, she was able to marry but never told her family of her past. As a result of the psychological and physical scars and gynaecological problems she was never able to have children.

58. Another surviving woman, Kum Ju Hwang, told the Special Rapporteur that, on her first day at the comfort station in Kilim, China, she was told by a Japanese soldier that there were five orders which she had to obey or else she

would die: firstly, the order of the Emperor; secondly, the order of the Japanese Government; thirdly, the army company she was attached to; fourthly, the subunit within that company and finally, his orders as the tenant of the tent where she was serving him. Another survivor, Bok Sun Kim of the Republic of Korea, testified that her life as a sex slave was directly regulated by the military: from 3 to 7 pm each day, she had to serve sergeants, whereas the evenings after 9 p.m. were reserved for lieutenants. All women were also given condoms so as to protect the soldiers from venereal disease, although most soldiers refused to use them.

59. The above statements confirm written information received by the Special Rapporteur that leads her to believe that the system of sex slaves was established and strictly regulated by the Japanese Imperial Army in a systematic way, as ordered by the army and civilian commands.

60. The Special Rapporteur was also able to observe the scars and marks these women referred to in their testimonies. When the Special Rapporteur consulted Dr. Cho Hung Ok, the medical doctor in charge of caring for former "comfort women" in Pyongyang, the doctor confirmed the physically and psychologically generally weak state these women have been in for most of their lives as a result of having had to endure multiple rapes on a daily basis for many years. Dr. Cho further stressed that, in addition to the apparent physical scars the women have on their bodies, mental pain has tortured them throughout their lives and was of much greater significance. She further testified that many of the women suffer from lack of sleep, nightmares, high blood pressure and nervousness. Many of the women had to be sterilized since their reproductive organs and urinary tracts were affected by sexually transmitted diseases.

61. The Special Rapporteur, in addition to hearing testimonies, sought to identify ways to settle the issue in a way which would be acceptable to the individuals concerned and inquired, inter alia, what measures of compensation the women victims were seeking and what their reaction was to the proposed settlement by the Government of Japan by way of the Asian Peace and Friendship Fund for Women. In this context, the Special Rapporteur would like to reflect in detail the concrete demands made by the former "comfort women" who want their voices to be heard by the international community and by the Government of Japan in particular. In response to questions raised by the Special Rapporteur most former "comfort women" informed the Special Rapporteur that the Government of Japan should:

(a) Apologize individually to each of the surviving women for the suffering they have had to endure. Women victims in the Democratic People's Republic of Korea also felt that an apology should also be extended to the people of the country through the Government, whereas their counterparts in the Republic of Korea were largely of the opinion that individual letters of apology to all surviving victims should be presented. In addition, most victims felt that the apologies made at the time of the mission of Prime Minister Murayama were not sincere enough, especially because his statement had not been endorsed by the Japanese Diet;

(b) Recognize that the drafting of approximately 200,000 Korean women as military sexual slaves and the establishment of comfort houses for the use of the Japanese Imperial Army were carried out in a systematic and forcible manner by and/or with the knowledge of the Government and the army command;

(c) Recognize that the systematic recruitment of women for purposes of sexual slavery should be considered a crime against humanity, a gross violation of international humanitarian law, and a crime against peace, as well as a crime of slavery, trafficking in persons and of forced prostitution;

(d) Accept moral and legal responsibility for such crimes;

(e) Pay compensation from governmental resources to the surviving victims. For this purpose, it was suggested that the Government of Japan should enact special legislation so as also to enable a settlement of individual claims for compensation through civil law suits at Japanese municipal courts.

62. In connection with payment of compensation, many women emphasized that the amount of compensation would not be as important as its symbolic meaning. No mention of a particular amount of compensation was made to the Special Rapporteur.

63. Furthermore, many women requested that the Asian Peace and Friendship Fund for Women, established by the Government of Japan, inter alia to compensate former "comfort women" victims with contributions from civilian sources, be withdrawn. The Fund is seen by most of the women concerned to constitute a way for the Japanese Government to evade its legal State responsibility for the acts carried out.

64. In addition, the former "comfort women" are requesting the following measures to be taken by the Government of Japan:

(a) A thorough investigation into the historical facts of the issue of military sexual slavery during the Second World War, including publicizing all official documents and materials on the matter still existant in Japan and, in particular, in official governmental archives;

(b) The amendment of Japanese history books and educational curricula to reflect the historical facts which would have emerged from the investigation;

(c) The identification and prosecution, under Japanese domestic law, of all perpetrators involved in the recruitment of military sexual slaves and the institutionalization of military sexual slavery.

65. The Special Rapporteur would like to note that all surviving victims called upon the Special Rapporteur and the United Nations system as international actors to bring about a suitable settlement of this question through international pressure. A resort to the International Court of Justice or the Permanent Court of Arbitration was mentioned on various occasions.

V. POSITION OF THE DEMOCRATIC PEOPLE'S REPUBLIC OF KOREA

66. The team from the Centre for Human Rights, on behalf of the Special Rapporteur, visited the Democratic People's Republic of Korea in order to be able to understand fully the position of the Government on the recruitment of Korean women as sexual slaves by the Japanese Imperial Army and to transmit its views and demands to the Government of Japan in an attempt to further a dialogue towards the settlement of the issue.

67. The Government of the Democratic People's Republic of Korea requests the Government of Japan to accept full responsibility under international law for the crimes it committed and, on the basis of this legal responsibility, apologize for all its acts so as to "liquidate and not hide any longer its shameful past"; pay compensation to each individual surviving woman victim; and identify and prosecute under national law all persons involved in the "comfort women" establishment.

68. When asked about the legislative basis for the legal responsibility that the Government of Japan should accept, Dr. Jong Nam Young, Director of the Institute of Legal Studies of the Academy of Social Sciences in Pyongyang, explained the legal interpretation of the Government of the Democratic People's Republic of Korea with regard to Japan's liabilities under international law.

69. In the first instance, it was argued that the forcible recruitment of 200,000 Korean women as military sexual slaves, their severe sexual assault and the killing of most of them in the aftermath should be considered a crime against humanity. Furthermore, as the annexation of the Korean peninsula by Japan is considered not to have been attained through legal means 12/ and the Japanese presence on the Korean peninsula is considered to have constituted a state of military occupation, the forcible recruitment of Korean women as "comfort women" should also be considered a crime under international humanitarian law, since these crimes were committed against civilians in an occupied area. Secondly, it was contended that the establishment of a "comfort women" scheme, and in particular the forcible recruitment and coercion into prostitution, is contrary to the 1921 International Convention for the Suppression of the Traffic in Women and Children, which Japan had ratified in 1925.

70. Thirdly, it was argued that the system of military sexual slavery in the case of "comfort women" is clearly inconsistent with the 1926 Slavery Convention, which was considered declaratory of customary international law at that time. Finally, the Special Rapporteur was informed that the act of military sexual slavery should also be considered an act of genocide, in accordance with the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, which is also argued to have represented generally accepted norms of customary international law even before 1948. Dr. Jong Nam Yong held the view that those acts committed by Japan were carried out with intent to destroy a particular national, ethnical, racial or religious group, causing bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life to bring about its physical destruction and imposing measures intended to prevent births within the group, constituting genocide in accordance with article II of the Genocide Convention.

71. The representatives of the Government of the Democratic People's Republic of Korea pointed out that no diplomatic relations have been established between Japan and the Democratic People's Republic of Korea as between Japan and the Republic of Korea. Therefore, in addition to the "comfort women" issue, there remain other crucial issues, such as the question of forced labour, to be settled between the two Governments which the Government of the Democratic People's Republic of Korea does not accept to have been settled through the San Francisco Treaty or any other international agreement at the end of the war, as the Government of Japan contends.

72. The Government of the Democratic People's Republic of Korea also requests the release of all remaining documents and materials that are still being kept in the archives of the Government of Japan. On the basis of these documents, Japan should carry out a thorough investigation into the historical facts of the "comfort women" establishment and modify Japanese history books and curricula accordingly.

73. Concerning the question of compensation, the Special Rapporteur has not been provided with any details on an exact or envisaged amount that should be paid. However, high-level officials of the Ministry for Foreign Affairs have confirmed that in addition to individual compensation payments to the few surviving women victims, the payment of compensation is also demanded by the Government of the Democratic People's Republic of Korea for all those killed as a result of Japanese aggression. Some officials, however, also pointed out that an apology extended by the Government of Japan to the Government of the Democratic People's Republic of Korea in addition to the individual surviving victims would be much more important symbolically than the payment of compensation.

74. Finally, the Government of the Democratic People's Republic of Korea, as well as academics, journalists and victims whom the investigative team met during its visit, voiced their strong opposition to and rejection of the Asian Peace and Friendship Fund. Specifically, the Fund is interpreted as being "a ploy or trick to dodge the issue of State compensation". It was repeatedly expressed that through the establishment of the Fund the Government of Japan is attempting to evade its legal responsibilities for the acts committed. The establishment of the Fund and the initiatives by the Government of Japan to solicit funds from the public for the payment of "atonement money" to surviving victims are considered an insult to "victimized States", and the Fund's immediate withdrawal is requested.

75. At all meetings in the Democratic People's Republic of Korea, strong hope was expressed that the Special Rapporteur and the United Nations, acting as a mediator between the Governments concerned, would recommend to the Government of Japan to admit its responsibility and to agree to a settlement of the issue through the International Court of Justice.

76. In conclusion, the Special Rapporteur was able to conclude that all sectors of society in the Democratic People's Republic of Korea held a nearly unanimous view on how the issue of military sexual slavery should be settled and in that regard demands had been addressed to the Government of Japan.

VI. POSITION OF THE GOVERNMENT OF THE REPUBLIC OF KOREA

77. The Special Rapporteur visited the Republic of Korea in order to hear testimonies of surviving women victims and to discuss possible ways of settling the "comfort women" issue with the extremely active network of non-governmental organizations representing many former "comfort women", as well as to understand the position of the Government of the Republic of Korea towards the Government of Japan on this matter.

78. The position of the Government of the Republic of Korea in relation to Japan is different from that of the Democratic People's Republic of Korea since claims arising from the Japanese occupation of Korea during the war were settled in the 1965 bilateral treaty between the Republic of Korea and Japan. The Special Rapporteur noted, however, that the 1965 treaty only regulated property claims and not personal damages. The Special Rapporteur questioned governmental officials on whether the 1965 treaty, in their opinion, sufficiently covered compensation for "comfort women" victims.
H.E. Mr. Ro Myung Gong, Minister for Foreign Affairs, underlined the fact that on the basis of the 1965 Japanese-Korean treaty "normalizing" diplomatic relations between the two countries, compensation was paid by the Japanese Government for property damage incurred during the war. At that point, the issue of military sexual slaves had not been addressed. In March 1993, following the first public articles about the issue, the President of the Republic of Korea, Mr. Kim Young Sam, had made public assurances that the Republic of Korea would not request any material compensation with regard to the "comfort women" issue from the Government of Japan.

79. Concerning the Government's position with respect to Japan's legal obligations, the Special Rapporteur was told by high-ranking officials of the Ministry of Justice and the Office of the Public Prosecutor that it was very difficult to determine whether the Government of Japan actually had a legal responsibility to compensate for crimes committed 50 years ago and whether or not bilateral or international treaties concluded at the end of the war might have also settled the issue of "comfort women". No objection, however, was voiced to the private lawsuits that individuals had filed at national Japanese civil courts as a method of obtaining compensation.

80. In that connection, the Special Rapporteur observed that, in contrast to the position of the Government of the Democratic People's Republic of Korea, no demands for financial compensation had been made by the Government. The Special Rapporteur also noted, however, that although no governmental demands for compensation for "comfort women" victims had been requested, the Government of the Republic of Korea supported the activities of non-governmental organizations and women's groups defending the rights of the surviving victims. In addition, the Special Rapporteur noted with satisfaction that the Government, through the Ministry for Health and Welfare, had implemented a "Living Support Act", enacted in 1993, which provides for free medical care and living expenses for and otherwise protects former "comfort women".

81. The Special Rapporteur was also informed that an official request for the disclosure of all existing documents and facts related to the "comfort women" scheme had been made by the Government of the Republic of Korea.

82. In addition, the Special Rapporteur was informed that an official public apology by Japan is requested "to restore the honour of the women victims", for example by way of a personal letter from the Prime Minister of Japan to all surviving women victims.

83. Concerning the position of the Government of the Republic of Korea on the establishment of the Asian Peace and Friendship Fund for Women, H.E. the Minister for Foreign Affairs told the Special Rapporteur that it was felt that the Fund was a sincere effort by the Government of Japan to accommodate the wishes of the Republic of Korea and the victims. Nevertheless, he supported the activities of non-governmental organizations in this field and expressed the hope that their demands would also be met.

84. During her visit to the Republic of Korea, the Special Rapporteur observed that, in contrast to the rather cautious position of the Government, other sectors of society, such as politicians, academics, representatives of non-governmental organizations and the women victims themselves, voiced much stronger demands.

85. Members of the National Assembly, including the Chairperson of the Special Parliamentary Committee on Women, as well as other parliamentarians, informed the Special Rapporteur that the Foreign Affairs Committee of the Assembly had advised the Government of the Republic of Korea to request the Government of Japan to admit State responsibility for war crimes committed in connection with military sexual slavery, to apologize officially and to pay compensation accordingly. In addition, the revision of history textbooks and the erection of a statue in memory of all women victims had been requested.

86. In addition, the Special Rapporteur had ample opportunity to meet with many representatives of non-governmental organizations and women's groups working on the issue of "comfort women". In particular, the Korean Council of Women Drafted for Sexual Slavery by Japan, the Korean Association of Pacific War Victims and Bereaved Families and the Korean Bar Association provided the Special Rapporteur with invaluable information.

87. The position of these organs of civil society closely reflects the demands made by the surviving victims themselves, including an official apology by the Government of Japan, the admission of State responsibility for war crimes committed "to restore the honour and dignity of all former comfort women", the release of all documents and materials relating to the issue, compensation by the Government of Japan to be paid to individual surviving victims, and the enactment by the Government of Japan of special legislation so as to enable a settlement of individual claims for compensation through civil law suits at Japanese municipal courts.

88. The Special Rapporteur also questioned the representatives of non-governmental organizations on their views regarding the Asian Peace and Friendship Fund for Women. The Fund was also perceived by this group as a way for the Government of Japan to evade its State responsibilities by soliciting funds from private sources, and its unconditional withdrawal was requested. The Special Rapporteur was informed that it is the raising of funds from individuals and elements of the civil society for compensation that causes the greatest difficulty for the victims themselves and their advocates.

89. Furthermore, the United Nations, as an international actor, was repeatedly requested to bring about a suitable settlement of this question through international pressure, for example through the International Court of Justice or the Permanent Court of Arbitration.

90. It is also interesting to note that, in March 1995, the Federation of Korean Trade Unions handed a request to the communications mechanism of the International Labour Organization requesting a settlement of the issue of "comfort women" on the basis of charges of forced labour, since the women were not remunerated for their "work" as sex slaves.

VII. POSITION OF THE GOVERNMENT OF JAPAN - LEGAL RESPONSIBILITY

91. In general, under international law, the rights of victims and the criminal responsibility of perpetrators are seldom recognized. However, these rights and responsibilities are an integral part of contemporary international law especially in the field of international humanitarian law.

92. During the Special Rapporteur's visit to Japan, the Government of Japan supplied the Special Rapporteur with documents which contain arguments against certain demands made by former "comfort women" and by the international community on their behalf. The Government felt itself to be under no legal compulsion towards the victims, but only a moral obligation. Yet, it is the belief of the Special Rapporteur that the Government of Japan has both a legal and a moral obligation towards the women kept in military sexual slavery during the Second World War.

93. The Government of Japan admitted in August 1994 that "the then Japanese military was directly or indirectly involved in the establishment and management of comfort stations and the transfer of 'comfort women'". 13/ It admitted the recruitment and the transportation of 'comfort women' during the Second World War. It also admitted that military personnel took part directly in the recruitment, which was carried out against the will of the women 14/. It was further stated "that this was an act that severely injured the honour and dignity of many women". 15/

94. From documents provided during the visit to the Republic of Korea and Japan by non-governmental organizations and academics, it was clear that the Japanese Imperial Army during the Second World War was responsible for the setting up of comfort stations, the use and operation of such stations as well as the control and regulation of the stations. Detailed documents were supplied which indicated that orders had been given by officers of the Imperial Army concerning comfort stations. Photocopies of original orders were also supplied containing special requests made by field officers for the recruitment and transportation of comfort women. 16/ The Special Rapporteur was also informed by the Government of Japan that all documentation concerning "comfort women" which is in its control has been fully disclosed.

95. The Special Rapporteur is absolutely convinced that most of the women kept at the comfort stations were taken against their will, that the Japanese Imperial Army initiated, regulated and controlled the vast network of comfort stations, and that the Government of Japan is responsible for the comfort stations. In addition, the Government of Japan should be prepared to assume responsibility for what this implies under international law.

96. The Government of Japan argues that the Geneva Conventions of 12 August 1949 and other instruments of international law did not exist during the period of the Second World War and, therefore, the Government is not responsible for violating international humanitarian law. In this regard, the Special Rapporteur would like to draw the attention of the Government of Japan to the report of the Secretary-General relating to the establishment of the International Criminal Tribunal for the former Yugoslavia (S/25704) whose paragraphs 34 and 35 read as follows:

> "In the view of the Secretary-General, the application of the principle nullum crime sine lege requires that the international tribunal should apply rules of international humanitarian law which are beyond any doubt part of customary law so that the problem of adherence of some but not all States to specific conventions does not arise ....
>
> The part of conventional international humanitarian law which has beyond doubt become part of international customary law is the law applicable in armed conflict as embodied in the Geneva Conventions of 12 August 1949 for the Protection of War Victims: the Hague Convention (IV) Respecting the Laws and Customs of War on Land and the Regulations annexed thereto of 18 October 1907; the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948; and the Charter of the International Military Tribunal of 8 August 1945."

97. The Special Rapporteur holds, in accordance with the Secretary-General, that certain aspects of international humanitarian law are beyond any doubt part of customary international law and that States may be held responsible for the violation of these international humanitarian law principles even though they were not signatories to the particular convention.

98. Article 27 of the Fourth Geneva Convention reiterates the principle that rape during times of war is an international war crime. It states that "women shall be especially protected against any attack on their honour, in particular against rape, enforced prostitution, or any form of indecent assault". The Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armies in the Field, which was in force in 1929 and which Japan did not ratify, states clearly in article 3 that "prisoners-of-war are entitled to respect for their persons and honour. Women shall be treated with all consideration due to their sex ...."

99. Article 6 (c) of the Charter of the International Military Tribunal and article 5 of the Charter of the Tokyo Tribunal define crimes against humanity as murder, extermination, enslavement, deportation and other inhumane acts committed against any civilian population before or during the war.

100. In this context, it is important that the International Law Commission in its report on the work of the forty-sixth session stated that "the Commission shares the widespread view that there exists the category of war crimes under customary international law. The category overlaps with but is not identical to the category of grave breaches of the 1949 Geneva Conventions". 17/

101. Even if it is considered that the 1949 Geneva Conventions are not evidence of customary international law because of ratione temporis and the

1929 Geneva Convention is not applicable because Japan was not a signatory, Japan was a party to the Hague Convention and Annexed Regulations concerning the Laws and Customs of War on Land of 1907. The Regulations are not applicable if all belligerents are not parties to the Convention (art. 2) but its provisions would be a clear example of customary international law operating at that time. Article 46 of the Hague Regulations places on States the obligation to protect family honour and rights. Family honour has been interpreted to include the right of women in the family not to be subjected to the humiliating practice of rape.

102. Japan ratified the International Agreement for the Suppression of the White Slave Traffic of 1904, the International Convention for the Suppression of the White Slave Traffic of 1910 and the International Convention for the Suppression of the Traffic in Women and Children of 1921. However, Japan exercised its prerogative under article 14 of the 1921 Convention to declare that Korea was not included in the scope of the Convention. However, this would imply that all non-Korean "comfort women" would have the right to claim that Japan had violated its obligation under this Convention. The International Commission of Jurists 18/ argues that once Korean women were taken from the peninsula into Japan, as was done in many cases, the Convention became applicable to them. This implies that in many cases, even with regard to Korean women, Japan violated international obligations arising under this Convention. It is also argued that the Convention was evidence of customary international law in existence at that time.

103. The Government of Japan states in documents handed to the Special Rapporteur that even if there were to exist responsibilities under international law, these responsibilities had been met by the San Francisco Peace Treaty, 19/ and other bilateral peace treaties and international agreements dealing with reparations and/or settlement of claims. The Government of Japan argues that, with these agreements, it has sincerely fulfilled its obligations and that all issues of reparations and claims have been settled between Japan and the parties to the above-mentioned agreements.

104. Also in documents supplied to the Special Rapporteur, the Government of Japan argues that article II (1) of the Agreement on the Settlement of Problems Concerning Property and Claims and on Economic Cooperation between Japan and the Republic of Korea (1965) 20/ confirmed "that the problem concerning property, rights and interests of the two Contracting Parties and their nationals ... is settled completely and finally". Article II (3) stipulates that "no contention shall be made with response to the measures on property, rights and interests of either Contracting Party and its nationals which are within the jurisdiction of the other Contracting Party". In fact, the Government points out, a total amount of US$ 500 million was paid.

105. Basically, the Government of Japan takes the firm stand that all claims have been settled under bilateral treaties and that Japan is not legally bound to pay compensation to individual victims.

106. The Government of Japan also points to article 14 (a) of the San Francisco Peace Treaty of 1951, which states: "It is recognized that Japan should pay reparations to the Allied Powers for the damage and suffering caused by it during the war. Nevertheless, it is also recognized that the

resources of Japan are not presently sufficient, if it is to maintain a viable economy, to make complete reparation for all such damage and suffering and at the same time meet its other obligations ...".

107. The International Commission of Jurists, in its report of a mission on "comfort women" published in 1994, 21/ states that the treaties referred to by the Japanese Government never intended to include claims made by individuals for inhumane treatment. It argues that the word "claims" was not intended to cover claims in tort and that the term is not defined in the agreed minutes or the protocols. It also argues that there is nothing in the negotiations which concerns violations of individual rights resulting from war crimes and crimes against humanity. The International Commission of Jurists also holds that, in the case of the Republic of Korea, that the 1965 treaty with Japan relates to reparations paid to the Government and does not include claims of individuals based on damage suffered.

108. The Special Rapporteur is of the view that neither the San Francisco Peace Treaty nor the bilateral treaties were concerned with human rights violations in general or military sexual slavery in particular. The "intent" of the parties did not cover the specific claims made by "comfort women" and the treaties were not concerned with human rights violations of women during the conduct of the war by Japan. It is, therefore, the conclusion of the Special Rapporteur that the treaties do not cover the claims raised by former military sexual slaves and that the Government of Japan remains legally responsible for the consequent violations of international humanitarian law.

109. Documents submitted to the Special Rapporteur by the Government of Japan state that according to a conventional theory of international law, an individual cannot be a subject of rights or duties in international law as international law regulates, in principle, the relations between States, unless recognized by treaties.

110. It is the view of the Special Rapporteur that international human rights instruments are examples of individual rights recognized by international law. Article 1 of the Charter of the United Nations, for example, includes as one of the Purposes of the United Nations cooperation in "promoting and encouraging respect for human rights and fundamental freedoms". The Universal Declaration of Human Rights, as well as the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, define the rights of the individual vis-à-vis the State and, therefore, are further evidence that the individual is often the subject of international law and entitled to its protection.

111. The Government of Japan has also expressed concern about international human rights organizations discussing the duty under international law to prosecute and punish perpetrators. There is an understanding that this is not a general obligation of States. The question of impunity is not recognized as a substantive issue. Yet, neither the Nürnberg Trials nor the Tokyo Tribunal at the end of the Second World War granted a general amnesty for those who committed war crimes. Prosecution of individuals for war crimes is a possibility that still exists under international law.

112. It is also important to note that members of the armed forces are bound to obey lawful orders only. They cannot escape liability if obeying a command, they commit acts which violate the rules of warfare and international humanitarian law.

113. As noted above, crimes against humanity have been defined as murder, extermination, enslavement, deportation and other inhumane acts committed before or during the war. The abduction and systematic rape of women and girl children in the case of "comfort women" clearly constitutes an inhumane act against the civilian population and a crime against humanity. It is up to the Government of Japan to apply due diligence to initiate prosecution of those responsible for the establishment and running of comfort stations. The time elapsed and the paucity of information may make this difficult but it is, nevertheless, the duty of the Government to attempt prosecution wherever it is possible.

114. It follows from the opinion of the Government of Japan that individuals have no rights under international law, that individuals have no right to compensation under international law and that any form of reparation as compensation exists between States only.

115. Article 8 of the Universal Declaration of Human Rights states that "everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law". The International Covenant on Civil and Political Rights also states, in Article 2 (3), that any person claiming an effective remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities or by any other competent authority provided for by the legal system of the State, so that the right of the individual to an effective remedy is an international norm.

116. All human rights instruments also address the question of an effective remedy for breaches of international human rights law; individual persons and groups of persons whose rights have been violated are recognized to have the right to an effective remedy, including the right to compensation.

117. The right to appropriate compensation under international law is another well-recognized principle. As the Special Rapporteur noted in her preliminary report, the Chorzow Factory case establishes the principle of law that any breach of an engagement invokes an obligation even though the precise amount of loss cannot be established. 22/

118. The Commission on Human Rights has also expressed an interest in clarifying the problem of the right of the individual to compensation. In its resolution 1995/34, it encouraged the Sub-Commission on Prevention of Discrimination and Protection of Minorities to give consideration to the proposed basic principles and guidelines which were being elaborated by the Special Rapporteur of the Sub-Commission on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms, as contained in his final report (E/CN.4/Sub.2/1993/8, chap. IX).

119. In paragraph 14 of his report, the Special Rapporteur states that "it cannot be denied that both individuals and collectivities are often victimized as a result of gross violations of human rights". He also provides a detailed discussion of the right of individuals to an effective remedy and to compensation in the framework of existing international law. The Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Declaration on the Elimination of All Forms of Racial Discrimination, the American Convention on Human Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the Declaration on the Protection of All Persons from Enforced Disappearance, ILO Convention No. 169 on Indigenous and Tribal Peoples in Independent Countries and the Convention on the Rights of the Child are all cited in the report. These international instruments recognize and accept that an individual has a right to an effective remedy and compensation under international law.

120. The Special Rapporteur, in the proposed basic principles and guidelines concerning reparation to victims of gross violations of human rights, states that "every State has a duty to make reparation in case of a breach of the obligation under international law to respect and to ensure respect for human rights and fundamental freedoms. The obligation to ensure respect for human rights includes the duty to prevent violations, the duty to investigate violations, the duty to take appropriate action against the violators, and the duty to afford remedies to victims". 23/

121. Also in the proposed principles and guidelines, it is stated that reparation should respond to the needs and wishes of victims, be proportionate to the gravity of the violations and shall include restitution, compensation, rehabilitation and satisfaction and guarantees of non-repetition. These forms of reparation are defined as follows:

(a) Restitution implies the re-establishment of the situation that existed for the victim prior to the violations of human rights requiring, inter alia, restoration of liberty, citizenship or residence, employment and property;

(b) Compensation applies to any economically assessable damage resulting from human rights violations, such as physical or mental harm; pain, suffering and emotional distress; lost opportunities, including education; loss of earnings and earning capacity; reasonable medical and other expenses of rehabilitation; harm to property or business; harm to reputation or dignity; and reasonable costs and fees of legal or expert assistance to obtain a remedy;

(c) Rehabilitation implies the provision of legal, medical, psychological and other care, as well as measures to restore the dignity and reputation of victims;

(d) Satisfaction and guarantees of non-repetition include the cessation of continuing violations; verification of facts and full and public disclosure of the truth; apology, including public acknowledgement of facts and acceptance of responsibility; bringing to justice the persons responsible for

the violations; commemorations and paying tribute to the victims; inclusion of an accurate record of human rights violations in educational curricula and materials. 24/

122. The Special Rapporteur adds that reparations may be claimed by the direct victims and, where appropriate, the immediate family dependents or other persons having a special relationship to the direct victim. Also, in addition to providing reparations to individuals, States shall make adequate provision for groups of victims to bring collective claims and to obtain collective reparation.

123. The basic claim by the Government of Japan that any attempt at asserting legal responsibility would imply retrospective application is met by the argument that international humanitarian law is part of customary international law. In this regard, it may be appropriate to note article 15 (2) of the International Covenant on Civil and Political Rights, which states: "Nothing in this article shall prejudice the trial and punishment of any person for any act or omission which, at the time when it was committed, was criminal according to the general principles of law recognized by the community of nations."

124. The argument that there must be a statute of limitations and that nearly 50 years have passed since the end of the Second World War is also inappropriate. Criminal law, policy and practice do not recognize statutes of limitation in deference to victims' rights. In this connection, the Special Rapporteur on the right to restitution states in his report that "statutes of limitations shall not apply in respect to periods during which no effective remedies exist for human rights violations. Claims relating to reparations for gross violations of human rights shall not be subject to a statute of limitations". 25/

VIII. POSITION OF THE GOVERNMENT OF JAPAN - MORAL RESPONSIBILITY

125. The Government of Japan has not accepted legal responsibility but in many statements appears to accept moral responsibility for the existence of "comfort women" during the Second World War. The Special Rapporteur considers this a welcome beginning. Documents handed to the Special Rapporteur by the Government of Japan included statements and appeals accepting moral responsibility for the problems of the so-called "comfort women". The statement made by Chief Cabinet Secretary Yohei Kono on 4 August 1993 accepted the existence of comfort stations, as well as the direct or indirect involvement of the then Japanese military in the establishment and management of the comfort stations and that, although recruitment was carried out by private recruitment, it was done at the request of the military. His statement further recognized that, in many cases, "comfort women" were recruited against their will and had to live in misery at comfort stations in a "coercive atmosphere".

126. The Government of Japan "sincerely apologizes and [expresses its] remorse to all those, irrespective of place of origin, who suffered immeasurable pain and incurable psychological wounds". In that statement, the Government of

Japan expressed its "firm determination never to repeat the same mistake and that they would engrave such issues through the study and teaching of history".

127. It was also announced to the public that as a result of the discussions between President Roh Tae Woo of the Republic of Korea and Prime Minister Miyazawa of Japan, a special study was commissioned by the Government of Japan. Former military personnel and former "comfort women" were present at in-depth hearings conducted by the Government of Japan. Important government institutions were also covered by the study, including the National Police Agency and the Defence Agency.

128. On 5 July 1992, the Government of Japan announced the results of the study as conducted up to that time, a document which was also given to the Special Rapporteur. It stated that "comfort stations were established in various locations in response to the request of military authorities at the time". It claimed that "comfort stations existed in Japan, China, the Philippines, Indonesia, the then Malaya, Thailand, the then Burma, the then New Guinea, Hong Kong, Macao and the then French Indo-China". It accepted the fact that the Japanese military directly operated comfort stations. "Even in those cases where the facilities were run by private operators, the then Japanese military was involved directly in the establishment and management of comfort stations by such means as granting permissions to open the facilities, equipping the facilities, drawing up the regulations for the comfort stations that set the hours of operation and tariff and stipulated such matters as precautions for the use of the facilities."

129. The document also stated that "these women were forced to move with the military under constant military control and that they were deprived of their freedom and had to endure misery". The study came to the conclusion that, although recruitment in many cases had been carried out by private operators, the recruiters resorted to "coaxing and intimidating" these women who were recruited "against their will". The study further states that there were cases where administrators and military personnel took direct part in the recruitment. Finally, the study states that the Japanese military approved and organized the transport of "comfort women" and that the Japanese Government issued certificates of identification.

130. Individual members of the Government of Japan have expressed their remorse. In a statement issued on 31 August 1994, Prime Minister Tomiichi Murayama stated "on the issue of wartime 'comfort women', which seriously stained the honour and dignity of many women, I would like to take this opportunity once again to express my profound and sincere remorse and apologies". In the same context, he announced the Asian Peace, Friendship and Exchange Initiative to coincide with the fiftieth anniversary of the end of the Second World War. The Initiative would lead to support for research and the establishment of an Asian Historical Documentation Centre so that people can "face squarely the fact of history". It would also provide for the setting up of exchange programmes to promote dialogue and mutual understanding between Japan and the countries of the region. Though not aimed at "comfort women" in particular the Initiative was said to be based on the Prime Minister's "profound remorse for acts of aggression".

131. Finally, Chief Cabinet Secretary Kozo Igarashi issued a statement on 14 June 1995 as follow-up to Prime Minister Murayama's statement, saying that in accordance with the discussions of the Ruling Parties Project Team for Fiftieth Anniversary Issues, and based on "remorse" for the past, there would be an attempt to set up an Asian Peace and Friendship Fund for Women. The responsible officials in the Office of the Prime Minister explained to the Special Rapporteur the detailed workings of the Fund, the principal objectives of which go beyond the payment of compensation to surviving women victims to include:

(a) Raising of funds from the private sector as a means to enact the Japanese people's "atonement" for the suffering of former wartime sexual slaves;

(b) Supporting projects in the field of medical care and welfare in support of former "comfort women" victims from governmental and other sources;

(c) Through the implementation of the Fund's projects, the Government would express its feelings of remorse and sincere apology to all former "comfort women" victims;

(d) Collating historical documents on the "comfort women" establishment in order "to serve as a lesson of history". The Special Rapporteur learned that these and other documents relating to modern Asian history will be exhibited publicly in a proposed Centre for Modern Japan-Asia Relations;

(e) Support projects by non-governmental organizations in the Asian region and, in particular, in countries from which "comfort women" victims were drawn, in the field of the elimination of contemporary forms of violence against women, such as trafficking and prostitution.

132. The Special Rapporteur inquired as to the purpose of raising money from the public for the Fund. She was informed that, as announced by Chief Cabinet Secretary Igarashi on 14 June 1995, the establishment of the Fund should be construed as an effort by the Government of Japan, together with the Japanese people, "to find an appropriate way to enable a wider participation of the people to share feelings of apology and remorse". The Fund is, in addition, intended to promote mutual understanding with the countries and areas concerned by the issue of "comfort women", as well as for the Japanese people "to face squarely the past and to ensure that it is rightly conveyed to the future generations". This is why the Government has decided to seek funding from private sources for the Fund. The Government has itself earmarked 500 million yen (approximately US$ 5.7 million) to cover the administrative costs of the Fund, as well as to finance medical and social welfare programmes for women victims, as referred to above.

133. Since her visit to Japan the Special Rapporteur has received additional information from the Government of Japan, according to which a total of US$ 1 million had been received, as at the time of writing, in donations, mostly from individuals. The Special Rapporteur has also been informed that trade unions, enterprises and private institutions are expected to contribute to the fund-raising process and that the Fund will receive a legal personality and the status of a non-profit organization.

134. In the light of the above, the Special Rapporteur sees the Fund, as created, as an expression of the Japanese Government's moral concern for the fate of "comfort women". However, it is a clear statement denying any legal responsibility for the situation of these women and this is reflected in particular in the desire to raise funds from the private sector. Although the Special Rapporteur welcomes the initiative from a moral perspective, it must be understood that it does not vindicate the legal claims of "comfort women" under public international law.

135. The Special Rapporteur notes with interest the information received that the Government of Japan intends to contribute to a programme of work on violence against women by the United Nations Development Fund for Women. This is most welcome and displays a commitment to the general principles of international law which protects women victims of violence.

IX. RECOMMENDATIONS

136. The Special Rapporteur wishes to make the following recommendations which aim at the discharge of her mandate in a spirit of cooperation with the Governments concerned and at trying to understand the phenomenon of military sexual slavery in wartime within the wider framework of violence against women, its causes and consequences. The Special Rapporteur counts, in particular, on the cooperation of the Government of Japan, which has already shown, in discussions with the Special Rapporteur, its openness and willingness to act to render justice to the few surviving women victims of military sexual slavery carried out by the Japanese Imperial Army.

A. At the national level

137. The Government of Japan should:

(a) Acknowledge that the system of comfort stations set up by the Japanese Imperial Army during the Second World War was a violation of its obligations under international law and accept legal responsibility for that violation;

(b) Pay compensation to individual victims of Japanese military sexual slavery according to principles outlined by the Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on the right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms. A special administrative tribunal for this purpose should be set up with a limited time-frame since many of the victims are of a very advanced age;

(c) Ensure that a full disclosure has been made of documents and materials in its possession with regard to comfort stations and other related activities of the Japanese Imperial Army during the Second World War;

(d) Make a public apology in writing to individual women who have come forward and can be substantiated as women victims of Japanese military sexual slavery;

(e) Raise awareness of these issues by amending educational curricula to reflect historical realities;

(f) Identify and punish, as far as possible, perpetrators involved in the recruitment and institutionalization of comfort stations during the Second World War.

B. At the international level

138. Non-governmental organizations working at the international level should continue to raise these issues within the United Nations system. There should also be an attempt to seek an advisory opinion of the International Court of Justice or the Permanent Court of Arbitration.

139. The Governments of the Democratic People's Republic of Korea and the Republic of Korea may consider requesting the International Court of Justice to help resolve the legal issues concerning Japanese responsibility and payment of compensation for the "comfort women".

140. The Special Rapporteur urges the Government of Japan in particular to take into account and act upon the above recommendations at the soonest possible time, bearing in mind the advanced age of the surviving women, as well as the fact that 1995 is the fiftieth anniversary of the ending of the Second World War. The Special Rapporteur feels that not only have fifty years passed since the end of the war but that it is time to restore the dignity of those women who have suffered so much.

Notes

1/ G. Hicks, "Comfort women, sex slaves of the Japanese Imperial Force", Heinemann Asia, Singapore, 1995, pp. xiii, 24, 42 and 75.

2/ Ibid., p. 23.

3/ Ibid., p. xvi.

4/ Ibid., p. 115.

5/ Ibid., p. 19.

6/ Ibid., p. 29.

7/ Ibid., pp. 20, 21, 22 and generally.

8/ Ibid., pp. 23-26 (and elsewhere in the testimonies of the "comfort women" themselves).

9/ Ibid., p. 25.

10/ Yoshida Seiji, My War Crimes: the Forced Draft of Koreans, Tokyo, 1983.

11/ Ibid., pp. 24-25.

12/ The Special Rapporteur notes that the Government of the Democratic Peoples Republic of Korea does not consider the 1905 "Ulsa Five-Point Treaty" and the 1910 "Treaty of Annexation" legally valid.

13/ Statement by Chief Cabinet Secretary on 4 August 1993.

14/ Ibid.

15/ Ibid.

16/ See documents submitted by Professor Yoshiaki Yoshimi to the Special Rapporteur, which are available for consultation.

17/ Report of the International Law Commission on the work of its forty-sixth session, Official Records of the General Assembly, Forty-ninth session, Supplement No. 10 (A/149/10), para. 10, p. 74.

18/ U. Dolgopol and S. Paranjape, Comfort Women: an Unfinished Ordeal, International Commission of Jurists, Geneva, 1994.

19/ Putchard and Zaide (eds.), The Tokyo War Crimes Trial, vol. 20, New York, Garland, 1981.

20/ United Nations Treaty Series, vol. 583, No. 8473, p. 258.

21/ Dolgopol and Paranjape, op. cit. p. 168.

22/ Permanent Court of International Justice (P.C.I.J.), Sect. A, No. 17, p. 29.

23/ E/CN.4/Sub.2/1993/8, p. 56, para. 2.

24/ Ibid., p. 57, paras. 9 to 11.

25/ Ibid., p. 58, para. 15.

Annex

LIST OF PRINCIPAL PERSONS/ORGANIZATIONS THE SPECIAL RAPPORTEUR CONSULTED DURING HER MISSION

Pyongyang

H.E. Mr. Kim Yong Nam	Minister for Foreign Affairs
Mr. Ri Hung Sik	Acting Director, Department of International Organizations, Ministry of Foreign Affairs
Mr. Chang Myong Sik	Section Chief, Department of International Organizations, Ministry of Foreign Affairs
Mr. Ho Sok Chil	Researcher, 14th Department, Ministry of Foreign Affairs
Mr. Li Mong Ho	Secretary-General, Standing Committee of the Supreme People's Assembly Chairman, Committee of the Democratic People's Republic of Korea for the Investigation of Damage caused by the Japanese Imperialists during their Occupation of Korea
Mr. Sim Hyong Il	Member, Standing Committee of the Supreme People's Assembly
Dr. Li Jong Hyon	History Research Institute, Academy of Social Sciences
Dr. Chong Nam Yong	Law Institute, Academy of Social Sciences
Dr. Kim Dok Ko	Lecturer, Grand People's Study House
Ms. Chong Chun Gyong	Korean Committee for Cultural Relations with Foreign Countries Secretary-General, Korean Democratic Lawyers' Association
Mr. Wi Chong Song	TV General Bureau, Central Broadcasting Commission
Ms. Li Un Sim	Journalist, "Rodong Sinmun" Publishing House
Mr. Ri Song Ho	Chairman, Committee on the Measures for Compensation to the Former Korean Comfort Women for the Japanese Army and the Pacific War Victims (COCOPA)
Ms. Pak Song Ok	COCOPA

Ms. Chong Ok Sun) Ms. Pak Yong Sim) Ms. Chang Su Wol) Ms. Hwang So Gyun)	Former "comfort women"
Dr. Cho Hong Ok	Neurologist, Kim Man Yu Hospital

Seoul

H.E. Mr. Gong Ro Myung	Minister for Foreign Affairs
Mr. Lee Jae Choon	Assistant Minister, Ministry for Foreign Affairs
Mr. Jae Hong Lim	Director, Human Rights and Social Affairs Division, Ministry for Foreign Affairs
H.E. Ms. Kim Jung Ja	Vice-Minister, Ministry for Political Affairs II
Mr. Choi Jung Sun	Assistant Minister for Social Welfare Policy, Ministry for Health and Welfare
Mr. Kim Soo Jang	Chief Public Prosecutor, Ministry of Justice
Mr. Won Yong Bok	Director, Human Rights Division, Ministry of Justice
Ms. Lee Oo Chung	Chairperson, Special Committee on Women, National Assembly
Mr. Chang Young Dal	Member, National Assembly
Mr. Kim Deog Ryong	Member, National Assembly
Mr. Yoon Mee Hyang Ms. Heisoo Shin	Korean Council for the Women Drafted for Sexual Slavery by Japan
Ms. Lee Ho Chae	Korean Women's Centre for Social Research
Mr. Kim Sung Nam	Secretary-General, Korean Bar Association
Mr. Ha Kyung Chull	Korean Bar Association
Mr. Lee Ju-Wan	Secretary-General, Federation of Korean Trade Unions
Rev. Kim Dong Wan	National Council of Churches in Korea
Ms. Yang Soon Im	Executive Director, Korean Association of Pacific War Victims and Bereaved Families
Prof. Kang) Prof. Chung)	Historians

Ms. Kang Duk Kyung) Ms. Kim Sun Dok) Ms. Kim Sang Hi) Ms. Sun Ai Kang) Ms. Kim Bok Sun) Ms. Son Pan Yim) Ms. Mun Pil Gi) Ms. Kim Kyung Soon) Ms. Hwang Kum Ju) Ms. Lee Yong Su) Ms. Sim Mi Ja)	Former "comfort women"
Mr. Jin Hae	Buddhist monk, caretaker
Ms. Kwon Hee Soon	Caretaker

Tokyo

Mr. Kozo Igarashi	Chief Cabinet Secretary, Office of the Prime Minister
Ms. Haniwa Natori	Cabinet Councillor for Gender Equality, Office of the Prime Minister
Mr. Tanino	Director, Cabinet Councillor's Office for External Affairs, Office of the Prime Minister
Mr. Yoshiki Mine	Cabinet Councillor, Office of the Prime Minister
Mr. Kawashima	Director-General, Asian Affairs Bureau, Ministry for Foreign Affairs
Mr. Takano	Director-General, Multilateral Cooperation Department, Ministry for Foreign Affairs
Mr. Tsukasa Kawada	Director, Human Rights and Refugee Division, Ministry for Foreign Affairs
Mr. Makoto Mitzutani	Director, Regional Policy Division, Ministry for Foreign Affairs
Mr. Koji Tsuruoka	Director, Legal Affairs Division, Ministry for Foreign Affairs
Mr. Huruta	Assistant Vice-Minister of Justice, Ministry of Justice
Mr. Misao Akagiri	Vice-President, House of Councillors
Ms. Takako Doi	Speaker, House of Representatives

Mr. Kosuke Uehara	Chairperson, Coalition "Post-War 50-years Project", House of Representatives
Mr. Shoji Motooka	Member, House of Councillors
Mr. Kohken Tsuchiya	President, Japan Federation of Bar Associations
Mr. Etsuro Totsuka	Member, JFBA
Mr. Hong Sang Jin	The Investigation Team on Truth about Forced Korean Labourers in Japan
Representatives of	Action Network in Japan on the Issue of Military Sexual Slavery by Japan
Ms. Makiko Arima-Sakirai	Yokohama Women's Forum
Prof. Yoshiaki Yoshimi	Chuo University, Tokyo
Mr. Satoshi Uesugi Prof. Shinichi Arai	Centre for Research and Documentation on Japan's War Responsibility
Dr. Ikuhiko Hata	Chiba University, Tokyo
Ms. Yoko Hayashi	Attorney-at-law, proponent of the Asian Peace and Friendship Fund for Women
Ms. Soo Shiin Do	Former "comfort woman"
Mr. Nagatomi Hakudo	Former member of the Military Police of the Japanese Imperial Army

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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 9 (a) of the provisional agenda

FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

ALTERNATIVE APPROACHES AND WAYS AND MEANS WITHIN THE UNITED NATIONS SYSTEM FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

Report of the Special Rapporteur on violence against women, its causes and consequences, Ms. Radhika Coomaraswamy, in accordance with Commission on Human Rights resolution 1994/45

Addendum

Report on the mission to the Democratic People's Republic of Korea, the Republic of Korea and Japan on the issue of military sexual slavery in wartime

Corrigendum

Paragraph 98, third sentence

The sentence should read:

The Convention Relative to the Treatment of Prisoners of War, which was singed in 1929 and came into force in 1931, and which Japan did not ratify, states clearly in article 3 that "prisoners of war are entitled to respect for their persons and honour. Women shall be treated with all consideration due to their sex ...".

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